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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-865

13 **PAMELA ANNE YATES AKA PAMELA**  
14 **A. ABRAMS**  
12676 Ambermeadow Street  
Moorpark, CA 93021

**A C C U S A T I O N**

15 **Registered Nurse License No. RN 577150**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about February 9, 2001, the Board of Registered Nursing (Board) issued  
24 Registered Nurse License No. 577150 to Pamela Anne Yates aka Pamela A. Abrams  
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
26 the charges brought herein and will expire on March 31, 2012, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board, under the authority of the following

1 laws. All section references are to the Business and Professions Code unless otherwise indicated.

2 **STATUTORY PROVISIONS**

3 4. Section 490 states:

4 “(a) In addition to any other action that a board is permitted to take against a licensee, a  
5 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
6 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
7 or profession for which the license was issued.

8 “(b) Notwithstanding any other provision of law, a board may exercise any authority to  
9 discipline a licensee for conviction of a crime that is independent of the authority granted under  
10 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
11 of the business or profession for which the licensee's license was issued.

12 “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
13 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
14 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
15 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
16 made suspending the imposition of sentence, irrespective of a subsequent order under the  
17 provisions of Section 1203.4 of the Penal Code.”

18 5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee,  
19 including a licensee holding a temporary or an inactive license, for any reason provided in Article  
20 3 (commencing with section 2750) of the Nursing Practice Act.

21 6. Section 2761 states:

22 “The board may take disciplinary action against a certified or licensed nurse or deny an  
23 application for a certificate or license for any of the following:

24 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

25 . . . .

26 “(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
27 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice  
28 Act] or regulations adopted pursuant to it.

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“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

7. Section 2762 states:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

“(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

“(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.”

8. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.”

1 **REGULATORY PROVISIONS**

2 9. California Code of Regulations, title 16, section 1444, states, in pertinent part:

3 "A conviction or act shall be considered to be substantially related to the qualifications,  
4 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
5 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
6 safety, or welfare.

7 Such convictions or acts shall include but not be limited to the following:

8 . . . .

9 "(c) Theft, dishonesty, fraud, or deceit."

10 **COST RECOVERY**

11 10. Section 125.3 provides, in pertinent part, that the Board may request the  
12 administrative law judge to direct a licensee found to have committed a violation or violations of  
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
14 enforcement of the case.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Conviction of a Substantially-Related Crime)**

17 11. Respondent is subject to disciplinary action under section 2761, subdivision (f) and  
18 section 2762, subdivision (c), and 490, as defined in California Code of Regulations, title 16,  
19 section 1444, in that Respondent has been convicted of a crime substantially related to the  
20 qualifications, functions or duties of a registered nurse, as follows:

21 a. On or about June 25, 2010, after a *guilty* plea, Respondent was convicted of one  
22 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving a vehicle  
23 while having 0.08% and more, by weight, of alcohol in her blood], in a criminal proceeding  
24 entitled *The People of the State of California v. Pamela Anne Abrams* (Super. Ct. Ventura  
25 County, 2010 No. 2010009252). Respondent was placed on probation for a period of 36 months,  
26 and fined. The circumstances surrounding the conviction are that on March 13, 2010 at 11:53  
27 p.m. Ventura County Sheriff's Officers were dispatched to an intersection in the County of  
28 Ventura, to investigate a hit and run accident. Respondent was identified by an eyewitness to be

1 the driver of the vehicle that was involved in the hit and run accident. Respondent's vehicle had  
2 moderate front end damage which was consistent with the accident. During the investigation, the  
3 Officer contacted Respondent at her residence and Respondent admitted to being at "Café Firenze  
4 with friends, drinking wine." Respondent also admitted to staying at the Café after her friends  
5 left having, "two more glasses of wine" before driving home. Respondent stated that, "she does  
6 not remember anything after leaving the restaurant, and must have blacked out." During the  
7 investigation, the officers noticed that Respondent had a strong odor of an alcoholic beverage  
8 emitting from her person, red and watery eyes, and spoke with slurred speech. Respondent  
9 admitted to being "drunk" and "knew she should not have driven home." Respondent was given  
10 a series of Field Sobriety Test (FST's) and performed poorly. Respondent also provided a  
11 preliminary breath sample, which displayed results of .24% BAC at 0031 hours, and .25% BAC  
12 at 0035 hours. Respondent later provided a second breath sample, while at the main jail, which  
13 displayed results of .23% BAC at 0131 hours, and .19% BAC at 0135 hours, and .19% BAC at  
14 0138 hours. Respondent was subsequently convicted of violating Vehicle Code section 23152,  
15 subdivision (b) [driving while having 0.08% and more, by weight, of alcohol in her blood.]

## 16 **SECOND CAUSE FOR DISCIPLINE**

### 17 **(Dangerous Use of Alcohol and/or Drugs)**

18 12. Respondent is subject to disciplinary action under section 2762, subdivisions (a), (b),  
19 and (c), in that Respondent used alcoholic beverages and/or drugs to an extent or in a manner  
20 dangerous or injurious to herself, and the public. Respondent drove a vehicle while having 0.08%  
21 and more, by weight, of alcohol in her blood. Complainant refers to, and by this reference  
22 incorporates, the allegations set forth above in paragraph 11, subparagraph (a), inclusive, as  
23 though set forth fully.

## 24 **THIRD CAUSE FOR DISCIPLINE**

### 25 **(Conviction Involving the Consumption of Alcohol and/or Drugs)**

26 13. Respondent is subject to disciplinary action under section 2761, subdivisions (a), (d),  
27 and (f), as defined in section 2762, subdivisions (a), (b), and (c), in that on or about June 25,  
28 2010, Respondent was convicted of a crime involving the consumption of alcohol and/or drugs.

1 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
2 paragraph 11, subparagraph (a), inclusive, as though set forth fully.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Acts Violating the Nursing Practice Act/Unprofessional Conduct**

5 14. Respondent is subject to disciplinary action under section 2750, subdivisions (a) and  
6 (d), in that Respondent was convicted of a crime that involved an act of unprofessional conduct  
7 violating the Nursing Practice Act. Complainant refers to, and by this reference incorporates, the  
8 allegations set forth above in paragraph 11, subparagraph (a), inclusive, as though set forth fully

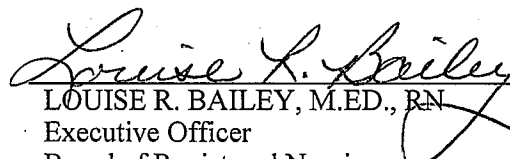
9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board issue a decision:

- 12 1. Revoking or suspending Registered Nurse License No. 577150, issued to Pamela  
13 Anne Yates aka Pamela A. Abrams;
- 14 2. Ordering Pamela Anne Yates to pay the Board the reasonable costs of the  
15 investigation and enforcement of this case, pursuant to Business and Professions Code section  
16 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: \_\_\_\_\_

4/19/11



LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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24 accusation.rtf